

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

99c206(JAF)

V.

ROBINSON QUINONES HERNANDEZ

Defendants

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MOTION REQUESTING EARLY TERMINATION
OF SUPERVISED RELEASE

TO THE HONORABLE COURT:

COMES NOW defendant Robinson Quinones Hernandez through his undersigned attorney very respectfully state, alleges and prays as follows:

1. Upon a Motion to Revoke Supervised Release and a Supplement thereto (dkt. 103, 121), defendant Quinones Hernandez' Supervised Release Term was revoked on December 6, 2006 (dkt. 127).

2. The Supplemental Motion alleged that defendant Quinones had committed a violation to Article 401 of the Controlled Substance Act, that is possession with intent to distribute 402 baggies of cocaine. Probable Cause was initially found.

3. On December 6, 2006 the Revocation hearing was held before this Honorable Court. At this time defendant Quinones Hernandez was pending trial for the Article 401 violation.

Since the federal arrest warrant was issued one day after the Supervised Release Term had expired and the United States Probation Officer had originally not included the state charges in the original Motion to Revoke, pursuant to 18 U.S.C. s

3583(i) this Honorable Court was precluded from considering the state charges at the revocation hearing.

4. Nonetheless, a sentence at the higher end of a Grade C instead of a Grade A or B violation, was imposed, that is 10 months. Furthermore, and based on the information proffered by the USPO regarding the state case (Art. 401), the court imposed an additional term of two years of Supervised Release. This was done despite the fact that prior to the revocation hearing defendant Quinones had almost completed the entire term of a four year term of Supervised Release previously imposed in 1999.

5. After revocation, defendant Quinones served ten months at MDC Guaynabo. Upon release, he began to serve the two year term of Supervised Release. As of today, he has served one year out of the two years that were imposed.

6. Defendant Quinones respectfully requests that this Honorable Court order the early termination of his Supervised Release term for the following reasons:

a. This Honorable Court's decision to impose the upper end of a Grade C violation and an additional two year term of Supervised Release was premised on the filing of the state controlled substances charges (Art. 401) that were not "considered" by this Court due to a technicality. Nonetheless this Court received the information and took into consideration before sentencing the defendant.

b. On October 24, 2007 the Honorable Judge Mabel Ruiz Soto **acquitted defendant Quinones of the Article 401 Controlled Substances Act state charges.**

c. Since his release from MDC Guaynabo in August 2007, defendant Quinones has been gainfully employed and has filed his Income Tax Returns, he has further complied with all the conditions of his Supervised Release Term.

7. In light of the above, and most of all considering that the state charges, that is a violation to Article 401 of the Controlled Substances Act, were dismissed at the jury trial level, and considering that this Honorable Court imposed the upper end of the applicable guideline and an additional two year term of Supervised Release based on that information, it is respectfully requested that this Honorable Court terminate the remaining term of Supervised Release.

WHEREFORE, it is respectfully requested that this Honorable Court terminate the remaining term of Supervised Release.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico on this 2nd day of September, 2008.

**S/Anita Hill Adames
Law Office of Anita Hill
USDC 209007
PO BOX 9023272
SAN JUAN, PUERTO RICO 00902-3272
Tel. 787-647-8888/531-8888
Fax.787-723-8788**

anitahill88@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that an exact copy of this Motion has filed via the ECF/CCM filing system which will notify all counsel of record.

S/Anita Hill Adames, Esq.

